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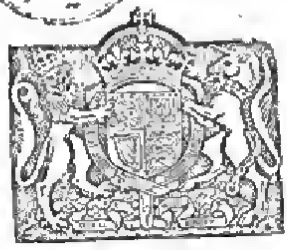

# THE FORT ST. GEORGE GAZETTE

## EXTRAORDINARY

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No. 36] MADRAS, FRIDAY, OCTOBER 27, 1939

### DEVELOPMENT DEPARTMENT.

**New rule regarding provision for appeals against orders passed under certain sections of the Madras Agriculturists Relief Act.**

*Fort St. George, October 27, 1939*
*(G.O. No. 2533, Development).*

No. 855.

In exercise of the powers conferred by sub-section (1) and clause (a) of sub section (2) of section 28 of the Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938), His Excellency the Governor of Madras is hereby pleased to make the following amendment to the rules issued with Development Department Notification No. 372, dated the 24th March 1938, in the *Fort St. George Gazette* Extraordinary, dated the 24th March 1938, as subsequently amended :—

AMENDMENT.

After rule 7 of the said rules, the following rule shall be added, namely :—

"8. Appeals shall lie from any of the following orders passed by a court under the Act, namely :—

(a) an order under section 18 (1) amending or refusing to amend a decree ;

(b) an order under section 19 amending or refusing to amend a decree or entering or refusing to enter satisfaction in respect of a decree ;

(c) an order under section 20 staying or refusing to stay proceedings in execution of a decree ;

(d) an order under section 21 directing or refusing to direct the refund of any sum realised in execution of a decree ;

(e) an order under section 23 setting aside or refusing to set aside any sale or foreclosure of immovable property ; and

(f) an order under section 24 directing or refusing to direct the repayment of any purchase money realised in execution of a decree ;

as if the order related to the execution, discharge or satisfaction of the decree within the meaning of section 47 of the Code of Civil Procedure, 1908."

**Rules regarding applications to civil courts for scaling down of non-decreed debts.**

*Fort St. George, October 27, 1939*
*(G.O. No. 2534, Development).*

No. 856.

In exercise of the powers conferred by sub-section (1) and clauses (b) and (c) of sub-section (2) of section 28 of the Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938), His Excellency the Governor of Madras is hereby pleased to make the following rules :—

RULES.

1. In these rules—

(a) "Act" means the Madras Agriculturists Relief Act, 1938 ;

(b) "Court" means the court having jurisdiction under these rules ; and

(c) expressions used in these rules but not defined herein shall have the same meaning as in the Act.

2. (1) Where any debt, other than a decree-debt, is due by any person claiming to be an agriculturist entitled to the benefits of the Act in respect of such debt, the debtor or the creditor, may apply to the court for a declaration as to the amount of the debt due by the debtor to the creditor :

Provided that no such application shall be presented or be maintainable if any suit for the recovery of the debt be pending.

(2) The provisions of sub-rule (1) shall also apply to any person claiming that his debt has been discharged by virtue of the provisions of the Act.

3. (1) Every application under rule 2 shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints.

(2) There shall be affixed to every such application whether by the debtor or by the creditor a court-fee stamp of the value of 12 annas.

4. (1) Every application presented by a debtor shall contain the following particulars, namely :—

(a) the name and address of the applicant ;

(b) the name and address of the creditor in respect of whose debt the application is presented ;

(c) a statement that the debtor claims to be an agriculturist entitled to the benefit of the Act (in respect of the debt of the creditor as against whom the application is presented);

(d) the particulars of the debt in respect of which the declaration is claimed, including all matters necessary to invoke the jurisdiction of the court to have the debt scaled down; and

(e) the amount for which the applicant prays that the debt may be reduced.

(2) The provisions of sub-rule (1) shall apply *mutatis mutandis* to an application presented by a creditor.

5. The application shall be rejected if it does not comply with any of the requirements of rule 4.

The rejection of an application under this rule shall not preclude the applicant from presenting a fresh application.

6. (1) On receipt of an application under rule 4, the court shall, unless it rejects it under rule 5, pass an order fixing a date for hearing the application.

(2) Notice of the order under sub-rule (1) shall be served on the creditor and the debtor.

7. On the date originally fixed under rule 6 or on any subsequent date to which the application may be adjourned by the court, the court shall, after taking such evidence or making such enquiry as it may consider necessary, pass such order on the application as it thinks fit.

8. If, at any time, while an application is pending in the court, a suit is filed by the creditor for the recovery of the debt which is the subject-matter of the application, the court shall dismiss the application.

9. The order of the court declaring the amount of the debt under rule 7 shall be subject to appeal and second appeal as if it were a decree in an original suit.

10. The courts having jurisdiction under these rules shall be the courts which would have jurisdiction to entertain suits for the recovery of the debts so scaled.

V. N. VISWANATHA RAO,
*Secretary to Government.*

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